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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: El Salvador

1. The Committee considered the initial report of El Salvador (CRC/C/3/Add.9) at its 85th, 86th and 87th meetings (CRC/C/SR.85, 86 and 87), held on 27 and 28 September 1993, and adopted* the following concluding observations:

Introduction

2. The Committee expresses satisfaction at the State party's early ratification of the Convention and for the timely submission of its initial report. The Committee regrets, however, that substantive and factual information, particularly in reply to the list of issues that was transmitted to the Government of El Salvador well in advance of the Committee's session, could not be provided in time for the consideration of the report. In addition, the Committee notes that the Government of El Salvador had not included in the delegation anyone directly involved in the implementation of the Convention at the national level. At the same time, the Committee takes note of the commitment made by the representative of El Salvador, on behalf of his Government, to provide in writing the substantive information requested by the Committee, even during the present session.

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* At the 103rd meeting, held on 8 October 1993.

Positive aspects

3. The Committee welcomes the frank and critical approach taken by the State party in preparing the report and, in particular, the reference therein to the main difficulties encountered by the Government of El Salvador in ensuring the implementation of the Convention.

4. The Committee notes with satisfaction that public institutions have been established recently for the protection and improvement of living conditions of children. Legal measures adopted or envisaged to better protect the rights of the child, such as the new Family Code pending adoption by Parliament, also appear to be encouraging initiatives. In addition, the Committee appreciates the Government's intention to ratify International Labour Convention No. 138 and other instruments relating to the minimum age for employment.

5. The Committee welcomes the above initiatives, particularly in view of the fact that measures to protect children are necessary and urgent at the end of a long period of violence and internal conflict in El Salvador which has caused severe damage to the national economy and deeply affected its society. It hopes that the measures envisaged by the Government will be effectively translated into reality.

Factors and difficulties impeding the implementation of the Convention

6. The Committee takes note of the difficult economic and social situation of El Salvador, compounded by persistent poverty and 12 years of internal conflict and violence. The Government recognizes the need for national efforts to solve many of the problems resulting from the conflict and to create guarantees for the full respect of the provisions of the Convention. The Committee hopes that the democratic institutions of the country, as well as its policy of social reconciliation, will be consolidated soon.

Principal subjects of concern

7. The Committee regrets that the Government of El Salvador has not taken due consideration of the provisions of article 4 of the Convention and that restrictions in the national budget affecting social programmes have been detrimental to the protection of the rights of children.

8. The Committee also notes the lack of coordination between public and private bodies and organizations dealing with the rights of the child.

9. The Committee expresses concern at the concept of children in "irregular situations" in Salvadorian law. Clarification is needed with regard to the criteria used to define this concept, as well as the possible applicability of penal law to such children.

10. In addition, the Committee feels that there is a need to consider seriously questions relating to the legal definition of the child, in particular the minimum age for marriage, employment, military service and

testimony before a court. It appears that these provisions do not sufficiently take into consideration the principles of the best interest of the child and non-discrimination.

11. The Committee is alarmed at the large number of children who have been abandoned, displaced or have become orphans as a result of the armed conflict, as well as those who, in order to survive, are forced to live and work in the street.

12. The Committee is also preoccupied by the widespread discriminatory attitudes towards girls and disabled children, as well as by the existence on a large scale of child abuse and violence within the family.

13. The Committee notes with concern the lack of training of professional groups working with and for children.

Suggestions and recommendations

14. The Committee recommends that in accordance with article 44, paragraph 4, of the Convention and rule 69 of its provisional rules of procedure, additional information be requested from the Government of El Salvador in order to respond to the questions and concerns expressed by the Committee during its consideration of the initial report. Such information should be submitted by the end of 1994. The Committee also suggests that El Salvador submits its "core document" (see HRI/1991/1) as referred to in paragraph 5 of the Committee's adopted guidelines concerning the initial part of State party reports to be submitted under the various international human rights instruments (CRC/C/5).

15. The Committee would also like to receive information with regard to the actual implementation of the legislation and the impact of the action planned by the Government to improve respect for the rights of children. The Government should provide, in particular, clarification on the status of the Convention in the domestic legislation of El Salvador and the possibility of invoking the provisions of the Convention directly in court.

16. In relation to the adverse impact of the internal conflict on children who live in exceptionally difficult situations, the Committee wishes to receive precise information with regard to rehabilitation programmes for affected children and the progress of such programmes, as well as statistical data with regard to displaced children within the country.

17. The Committee is also interested in being informed about the distribution of child care services in rural and urban areas and the training of relevant personnel.

18. Strategies and educational programmes along with the adequate dissemination of information should be undertaken in order to counter certain prejudices which affect children negatively, such as gender-based discrimination (known as "machismo") and discrimination against disabled children (specially in rural areas), and to enhance the participation of children, in particular within the family.

19. In the light of the discussions and taking into account the situation of children in El Salvador, the Committee recommends that urgent measures be adopted for the protection of children belonging to vulnerable groups, in particular displaced and refugee children, disabled and homeless children, as well as children subject to abuse or violence within the family. Such measures should encompass social assistance and rehabilitation programmes oriented towards those groups of children and be undertaken, with the cooperation and support of the relevant United Nation agencies and international organizations, in the spirit of article 45 (b) of the Convention.